

REMARKS

The Office Action mailed July 7, 2009 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Interview Record

Applicants gratefully acknowledge the courtesy and consideration extended to Applicants' undersigned representative during the telephone interview with Examiner Chiu and Supervisory Patent Examiner Smith on October 5, 2009. During the interview, it was agreed that the Examiner would provide an Interview Record pursuant to 37 CFR 1.133(b).

The Examiner indicated that the phrasing in claim 1 that includes the word "particularly" would need to be removed, and Applicants' representative agreed to make that revision. The Examiner also indicated that deleting the phrase "comprise a metallic element" would result in overcoming the 35 U.S.C. §102(e) rejection with respect to Yu et al. (U.S. Patent Application No. 20020088970). The possibility of withdrawing the finality of the pending Office Action was discussed, but no decision was reached.

Subject Matter Indicated Allowed or Allowable

Applicants gratefully acknowledge the indication of allowance of claims 10 and 11.

Amendment to Claim 1

Claim 1 has been amended as discussed below, and for improved clarity. The amendment does not raise any issues beyond those already considered by the Examiner.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant argues herein that such amendment is made to distinguish over a particular identified reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments or aspects of Applicant's invention.

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Rejection(s) Under 35 U.S.C. §102

Claims 1-9 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Yu et al. (U.S. pat. no. 20020088970). As discussed above, during the Examiner Interview dated October 5, 2009, the Examiner indicated that deleting the phrase “comprise a metallic element” from claim 1 would result in overcoming the 35 U.S.C. §102(e) rejection with respect to Yu. Because claims 2-9 depend, either directly or indirectly upon claim 1, and necessarily inherit all the limitations of claim 1, the rejection with respect to claims 2-9 with respect to Yu is also overcome by the amendment of claim 1.

Therefore, the withdrawal of the 35 U.S.C. §102 rejection based on Yu et al. is respectfully requested as to claims 1-9.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557. An RCE accompanies this reply.

Respectfully submitted,
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